App. F. IX-4

1927.
(Courts)

File No. 761-27

Previous References

Pol 126-28(2-6)
" 51-25-9

Serial Nos. 1-2

Later References

HOME/P 475-30

PRESERVED

General and Revenue Secretariat.

Serial Nos. Two

Part B for June 1928.

SUBJECT

Revision of jail criminal forms no 30 -
form of warrant of imprisonment

S.O. no P 7026-7/26-5-28

To the Regr Cr Clerk of Court
" Sps of prisons

Approve of jail forms finally
revised by the Cr Clerk of Court

M Gwyer
20/8/28

G. R. S. III—1] 1927-28

GENERAL AND REVENUE SECRETARIAT.

~~Courts~~ Prisons

NOTES.

72-2

File No. ~~79~~ 24

FILE HEADING.

Revision of the Criminal Form no 30 - Form of warrant of imprisonment

From

The Registrar, Civil Court

Letter No. 127 Dated 21.8.26 Received 27.8.26

Diary No. 1033	Enclos. 1	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that the present form no 30 - Criminal - form of warrant of imprisonment is defective in many respects and requires correction to the form as revised.

NOTES AND ORDERS.

Kind reference is invited to the letter of the G. G. of Prisons in Prisons file 26-25-2 (Mag G) wherein the G. G. Prisons has pointed out that the present form no 30 - (page 67 of Vol II of Criminal Rules and orders) is defective and leads

Notes—First Sheet.

W.D 1981—GPH—80,000—1-8-21

Serial No

to the over detention of prisoners. This was pointed out to the Regr. Lahij court and the Lahij Court have accordingly revised the form. This opportunity has been taken to include the instructions issued in G.O. No G 4601-12 | Prisons 51-25-98 14.7.26 re the grant of subsistence allowances to prisoners

[illegible] with a copy [illegible]

There is another file in which a similar question viz, action to be taken to prevent over-detention of prisoners on account of delay in reporting recovery of fines is being dealt with (in the G.M. Branch). The present Change in form of warrant may be affected by the orders in that case Hence the two cases may have to be worked together. Please put up that file.

8/9/26

Copy

Secd

This may be referred to the G.M. Branch for kindly putting up the file

8/9/26

13/9/26 To the Gen Br for kindly putting up the file

Secd. The question of revising the warrant form will be worked up after the question in the linked file (Pris 68-15) is fi

It is learnt that the question is being dealt with in the G.M. Branch and the Secy thinks that the papers may be referred to that Branch

To the Gen Branch

Note—Contd. Sheet

WD 1929—GPB—37,500—1-9-26
App. F. III—2]

General and Revenue Secretariat

File No. 1033 of 192

Serial No.

disposed of. For orders.

A.Sec.
D 28/26

Ltd for orders as to whether the draft RP amending Form 30 - Criminal Rules and orders forwarded by the Chief Court may be sanctioned. The Chief Court may perhaps be consulted as to whether the proposed amendment of the Form No 30 may be adopted in view of the recent amendments to the Criminal Procedure code. A draft sanctioning already put up is in Suppl 21112

Please bring up

27/11

21/11

The form proposed by the Chief Court follows closely Form no 37 prescribed by the Madras Criminal Rules of Practice page 97 (Vol: P) with Certain additions and Certain omissions.

The additions are the heading of Section 349 in the heading and the word "height" in describing Roll

The omissions are: 1. In the heading the words "Commitment on a sentence of" and "or fine or both". These words seem to be necessary since in the heading reference is made to fines

2. The reference to Dieh. This seems to be unnecessary

3. References to transfer from Jail to Jail. This seems to be unnecessary.

NOTE—Contn. Sheet

Serial No.

There are no references to lock ups in the form. Since the form is to be used by magistrates committing prisoners to lockups also, references to "lock ups" & "officers in charge of lock ups" seems to be necessary. Where are indicated in pencil.

Since the form was proposed by the D.G. of Prisons, the Prisons Section may be consulted as to the suitability of the form and the additions proposed

(sgd.-D)

(sgd.-)

Suggested. The Inspector General of Prisons may perhaps be consulted.

Asst Secretary

Please consult the D.S. of Pr. & oblg

Yes

Inspector will comply to the D.G. of Prisons unofficially for favour of remarks

By order.

for Asst. Secy

NOTE—Contn. Sheet

W.O. No. 3/- Encl. one file
of 24.2.28. 5399 5/5

Prisoners name may be given on the 1st page conveniently after year, and space provided for inserting his position in the case such as sole prisoner, 1st or 2nd prisoner to avoid mistakes in giving effect to appellate Court orders.

2. Considerable space should be left after the words "sentenced to" in line 6 so that convictions under several sections - combination of simple and rigorous, solitary confinement and notifying residence may be noted.

3. The space between notes II & III should be widened to provide for enty of various items of property.

4. The revised form provides for noting dates of execution of solitary confinement only. It may also provide for date of execution of whipping sentences when awarded by Courts and carried out in Jail. More space should be provided for noting dates of solitary confinement undergone.

5. The three reasons for the termination of sentence as given in the Jail Officer's certificate of the execution of the warrant (viz., on appeal - expiry of sentence and bail) are not exhaustive since they exclude termination under the remission system and under special orders of Government. Therefore the three alternatives might be omitted and space left blank to note the particular reason of release.

6. Officers in charge of the Jail as laid down in 384 Criminal Procedure Code would provide for all cases instead of noting Superintendent and Lockup Officer.

7. A revised form of the warrant is sent herewith.

Inspector-General of Prisons.

4251/927

5379

6 (6

App. F. III—2]

General and Revenue Secretariat. No. File No. 261 of 1927.

Serial No.

Subd. Mr will now be sent to the Protection Branch for further action in respect of the Revised form now devised by the Dy. Jt Prisons

DP 27/2

K 27/2

D/2

Protection Br Welfare Courts

Subd

The form proposed by the D.G. of Prisons may be adopted with the slight alterations with headings underlined in pencil for reasons mentioned in paras [illegible] supra

29/2/28

The form, as slightly revised by the D.G. of Prisons, appears to be suitable and may perhaps be sanctioned after ascertaining unofficially whether the Chief Court approves of it.

7342 8/3

33- Subd 1st June 9/3

8/3

7.3

26-27 C. No. 127 9-3.

C. O. No. P 51 927 of 10th March 1928

34 Forwarded with compliments to the Registrar, Chief Court, with reference to para 33.

for Secy to Govt Law Dept 9/3/28

NOTE—Contn. sheet

CHIEF COURT 10. MAR. 1928 OF MYSORE

WD 0324—GPB—60,000—24-5-27

Chief Court of Mysore
Bangalore.

No. Roc. 121 / 26-27 } Dt. 4th April 1928

Returned with compliments.

The Judges are of opinion that with regard to the first para of the opinion of the Inspector-General of Prisons the suggestion may be adopted - since it is a matter of convenience.

The opinion in paras 2 and 3 is a matter relating to printing the form and this may be attended to when sending the form for print.

With regard to the opinion in the 4th paragraph, the Inspector-General of Prisons considers that since provision is made for noting the date of execution of solitary confinement, the form may also provide for date of executing whipping sentences when carried out in the Jail. Solitary confinement being a particular kind of imprisonment may properly find a place in a warrant for imprisonment and not a sentence of whipping which has nothing to do with imprisonment. In the same para suggestion is made for more space being left for noting dates of solitary confinement. This may be attended to when sending the form for print.

With regard to para 5 if the opinion of the Inspector-General of Prisons is adopted, it will lead to this difficulty viz., that no reasons will be mentioned at all in the space left blank since there is no indication in the form proposed by him that the officer in charge of the Jail should mention the reason for releasing the prisoner. The Inspector-General of Prisons is of opinion that the form excludes termination under Remission System. It will be seen after

the

the word " bail " the words " having earned days remission" are mentioned. He is also of opinion that there is no provision for relief under Orders of Government. The Judges consider that the words " or Special Orders of Government" may be added at the end of the certificate after the words "days remission" without the omissions suggested by the Inspector-General of Prisons.

With regard to para 6 the expression "Superintendent of Jail" is used in the Jail Manual and the "Officer-in-charge of the Lock-up" is used in the Lock-up Manual. It is therefore better to use both these expressions in the form so as to retain one or the other as circumstances may require in order to avoid the confusion of the warrant intended for the jail being taken to the Lock-up or vice-versa. In this respect the suggestion made by the -- Government may be adopted.

REGISTRAR.

Please revise the form accdg.

KVN/-

The file may now be returned to the Prisons Section with the form revised as suggested by the Chief Court. The revised form may be approved and sent to the Chief Court for necessary action to bring it into use. [vide S. 554(1)(b) Cr. P.C. code].

425/27 P from 5399

9

App. F. III—2]

General and Revenue Secretariat. (Letter) File No. 22 261 of 1927.

Serial No.

Subd If this may again be sent to the D.G. of Res no for further remarks on the opinion of the Chief Court.

go KB
19/4

No Consultative appears necessary. Please put up draft Sanctioning rec from as revised in the protection Br and approved by the Member.

Rec
20/4

draft for Subd.

KB
30/4

Please put up typed draft.

Rec
1/5

Typed orage Subd

KW
4/5

NOTE.—Contn. sheet

WD 0324—GPB—60,000—24-5-27

4257 10

App. F. III—2]

General and Revenue Secretariat. File No. 761 of 1927.

Serial No.

Orders of the Hon'ble See on the draft put up by the Govt. Advr. This order should issue from the Pol. Dept. Please revise the draft.

9567/16/5

Revised draft submitted

Typed draft as revised may be put up. 14/5

Draft Case for orders

Draft may be approved

17/5

To the Registr Chief Court
Memo No P 7026-27 dt 26.5.28.
Approves of the forms of warrant of imprisonment as finally revised by the Chief Court.

NOTE—Contn. sheet.

WD 0824—GPB—60,000—24-5-27

1 Loss P 826

Telgm:
"JUSTICE"

CP 261-27-1

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore..21st..August....*1926*.

R. O. C. Dis. No. 123/26-7 Ems

~~CP 64-26-1~~

Pris 72-27-1

From

GEN. & REV. SECTT. 26 AUG. 1926 SECTION

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

To

B. Nagappa, Esq., Bar-at-law.,
Secretary to Government,
Local and Legislative Departments.
BANGALORE.

Sir,

I am directed to advert to the correspondence ending with letter No. G. 766/Pris. 26-25-5 dated the 26th July 1926, from the Secretary to Government, Medical and Agricultural Departments, in the matter of revising the form of warrant of imprisonment (Criminal Form No. 30) and to state that the form, so far as the operative portion is concerned, follows more or less the form No. 29, Schedule V, Criminal Procedure Code. But the information added therein to the operative portion is however defective in some respects and superfluous in others. The sections mentioned in the heading of the form are sections 245, 258 and 384 Criminal Procedure Code. The mention of section 384 is out of place as that section merely says that the warrant should be directed to the officer in charge of the Jail and it is not under that section that the warrant is issued. Sections 245 and 258 contain directions to the Magistrates to pass sentence upon the accused if found guilty. There are other sections also under which sentences are passed Viz. Sections 306, 309 and 349. These should also be referred to in the heading. Again columns 2, 4 and 5 of the Descriptive roll are unnecessary as the information can be had from the operative portion of the warrant itself. Then again, the Inspector-General of Prisons points out that information regarding the recovery or non-recovery of fine levied, if any, is not

P.T.O

not being embodied in the warrant and certain other information has also to be furnished therein as directed in G.O. No. G. 401-12 Pris 51-25-9 dated the 14th July 1926.

With a view to rectify all these defects, the Chief Court has revised the form and I am to request that Government may be pleased to accord sanction to the revised form herein enclosed.

I have the honour to be,

Sir,

Your most obedient servant.

M Venkatasubbiah

for: Registrar.

KVN/-

of imprisonment

ons 245,258,306,309

g Crl.Pro.Code

Form No. 30

Criminal.

In the Court of the ..... of

Sessions / Calendar Case No..... of

The Superintendent / Officer in charge of the Jail at .....

Whereas on the ..... day of ..... 191 ..

ner in Case No ..... of the

dar for 19..... was convited before me .....

..... Sessions Judge / Magistrate of ..... of the offence

..... punishable under Section .....

he Indian Penal Code and was sentenced to .....

~~Act~~ of .....

This is to authorise and require you the said

intendent of the Jail at .....) to receive

er in charge

said ..... into your custody in the said

together with this warrant and there carry the aforesaid sentenc

Execution according to law.

The distance from the prisoner's residence to the nearest

way station is ..... miles.

Jail

Details of property on the person of the prisoner.

I hereby certify that ..... of the fine has been recovered.

IV. Descriptive roll.

Particulars of the previous conviction, if

Court.	Calendar No. and Year.	Section and Code.	Sentence.

.....

's Name.....

arried or single.....

religion and caste...

is occupation.....

height.....

otive marks.....

Given under my hand and the seal of the Court, this .....

..... day of ..... 19 .

(Seal)

Sessions Judge

Magistrate.

Solitary Confinement.

To	Number of days	Total undergone	Superintendent's initials.

hereby certify that the within named prisoner has this day been served n order directing him to notify his residence to the Police for..... ..... year ..... from this date ..... e following address was furnished by the prisoner on release:-

.....

.....

Village.....

District.....

Superintendent

of ..... Jail

Dated.....

P

The order has been duly served on me.

Signature or the left thumb impression of the prisoner.

..... Jail.

Dated .....

..... Jail.

Date of admission to Jail.....

Number .....

Name .....

Sentence .....

Date of sentence ....

Date of release .....

Release on bail or escaped and re-admission may be noted below.

I hereby certify that the sentence passed on the prisoner named in this warrant has been executed according to law and that he has this day been released ~~for~~ from custody on Appeal / Expiry of sentence / Bail. ..... or having earned ..... day's remission.

..... Jail.

Dated .....

Jailor / Superintendent.

KVN/-

****

M Viswanatha

for Registrar.

Cb 261-27-2

Proceedings of the Govt. of H.H. the Maharaja of Mysore.

Letter No.ROC. 127 dated 21-8-26 from the Registrar, Chief Court, stating that the form of warrant of imprisonment (Criminal Form No.30) is defective and submitting a revised form for the sanction of Government.

2. U.O.Note (No.3 of 24-2-1928) of the Inspector General of Prisons on the revised form proposed by the Chief Court.

3. U.O.No. ROC. 127 dated 4-4-1928 from the Registrar, Chief Court, communicating the views of the Chief Court as to how far the suggestions made by the Inspector-General of Prisons may be adopted.

Order, No. 7026-27 Law 26/5/28

Dated, Bangalore

The form of warrant of imprisonment as finally revised by the Chief Court is approved and appended to this order.

By Order,
Secretary to Govt. Law Dept.

The Registrar, Chief Court with a c.c.
The Inspector General of Prisons.

Copy to G.M.

TD

The order has been duly served on me.

Signature of the left
thumb impression of the
prisoner .....

....Jail
Lockup

Dated .....

.....Jail
Lockup

Date of admission to Jail.....

Number .....

Name .....

Sentence.....

Date of sentence.....

Date of release .....

I hereby certify that the sentence passed on the prisoner named in this - warrant has been executed according to law and that he has this day been released from custody on ~~Appeal~~ ~~Expiry~~ Appeal / Expiry of sentence / Bail .....

.....

or having earned .....

.....days remission under special orders of Government.

.....Jail
Lockup

Dated .....

Jailor.

Superintendent
Officer in charge.

IV. Descriptive roll.

8

Particulars of previous conviction, if any.

	Court	Calendar No. and year.	Section and Code.	Sentence.
Name				
Father's Name				
Sex, married or single				
Race, religion and caste				
Previous occupation.....				
Age and height				
Descriptive marks				
.....				

Given under my hand and the seal of the Court, this .....

.....day of .....19 .....

Seal.

Sessions Judge
Magistrate

Solitary Confinement.

From	To	Number of days	Total undergone	Superintendents initials.

I hereby certify that the within named prisoner ~~received~~ has this day been served with an order directing him to notify his residence to the Police for .....year ..... from this date.

The following address was furnished by the prisoner on release:-

Street..... Village .....

Taluk..... District .....

Superintendent of the Jail
Officer in charge of Lockup

Dated .....

Warrant of commitment on a sentence of imprisonment, or fine or both.
Sections 245,258,306,309 and 349 Crl.Pro.Code.

Form No. 30

Criminal

In the Court of the ..... of .....

Sessions / Calendar Case No. ..... of

To

The Superintendent of the Jail / The Officer in charge of the Lockup at .....

Whereas on the .....day of .....19....
(1st, 2nd, 3rd & so on as the case may be)
.....prisoner in Case No.....
..... of the Calendar for 19 .....was convicted before me
Sessions Judge / Magistrate of .....
..... of the offence of .....punishable
under Section .....of the Indian Penal Code / Regulation of....
and was sentenced to .....
.....
.....
.....

This is to authorise and require you the said Superintendent / Officer in charge of the Jail / of the Lockup at ..... to receive the said [redacted]..... into your custody in the said Jail / Lockup together with this warrant and there carry the aforesaid sentence into execution according to Law.

I. The distance from the prisoner's residence to the nearest railway station / Jail or Lockup is .....miles.

II. Details of property on the person of the prisoner.

.....
.....

III. I hereby certify that ..... of the fine has been recovered.